

Article 8: Minors

Division 1: Curfew

*("Curfew," added 6-18-1997
by Emergency Ordinance O-18415 N.S.)
("Curfew," added 7-1-1997 by O-18415 N.S.)*

§58.0101 Definitions for Curfew Provisions

For purposes of Sections 58.0101 and 58.0102:

"Curfew hours" means the period from 10:00 p.m. any evening of the week, until 6:00 a.m. the following day.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

"Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

"Minor" means any person under eighteen (18) years of age.

"Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"Responsible adult" means a person at least eighteen (18) years of age, authorized by a parent or guardian to have the care and custody of a minor.

"Serious bodily injury" means bodily injury that creates a substantial risk of

death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
(Amended 7-1-1997 by O-18416 N.S.)

§58.0102 Curfew Restrictions

- (a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City of San Diego during curfew hour.
- (b) It is unlawful for any parent or guardian or a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during curfew hours.
- (c) It is a defense to prosecution under Section 58.0102(a) or (b) that the minor was:
 - (1) accompanied by the minor's parent or guardian, or by a responsible adult;
 - (2) on an errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop;
 - (3) in a motor vehicle involved in interstate travel;
 - (4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) involved in an emergency;
 - (6) on the sidewalk abutting the minor's residence;
 - (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of San Diego, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) exercising First Amendment rights protected by the United States Constitution; or (9) emancipated pursuant to law.
- (d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not

issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no defense under section 58.0102(c) is present or applicable.

- (e) Each violation of this section shall constitute a separate offense.
(Amended 7-1-1997 by O-18416 N.S.)

§58.0103 Penalty

Any minor violating the provisions of Section 58.0102 shall be guilty of a misdemeanor, and shall be dealt with in accordance with juvenile court law and procedure.

(Renumbered from Section 58.01.2 on 7-1-1997 by O-18416 N.S.)

